

# The Supreme Court of Ohio

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## CASE ANNOUNCEMENTS

February 5, 2009

[Cite as 02/05/2009 Case Announcements #2, 2009-Ohio-457.]

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## MOTION AND PROCEDURAL RULINGS

### **2008-0304. Safeco Ins. Co. of Am. v. Fed. Ins. Co.**

Hamilton App. No. C-070074, 2007-Ohio-7068. This cause is pending before the court as an appeal from the Court of Appeals for Hamilton County. On January 28, 2009, this court determined that the entire record need not be sealed to protect the confidentiality of the settlement agreement and ordered the parties to identify those portions of the record and pleadings that should remain sealed in order to maintain the confidentiality of the settlement agreement. On January 30, 2009, the parties filed a joint response to our January 28, 2009 order.

Upon consideration of the joint response and review of the record and pleadings filed in this case, it is ordered by the court, sua sponte, that the entire record and all pleadings in this case be unsealed, except as further indicated in this order.

It is ordered that all pleadings filed in this case while pending before the Hamilton County Court of Common Pleas and the Hamilton County Court of Appeals shall be unsealed except as further provided:

- "Motion by defendants Pacific Indemnity Company, Federal Insurance Company, Lance White, and Diane White for entry of final judgment against Safeco" filed on September 28, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Safeco Insurance Company of America's memorandum in opposition to motion of Lance and Diane White and Federal Insurance Company and Pacific Indemnity Company's motion for entry of final judgment and request for hearing" filed on October 6, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.

- "Reply in support of defendants' motion for entry of final judgment against Safeco" filed on October 13, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Notice of filing: 1) The revised and corrected affidavit of Mr. Pool; and 2) A revised and corrected proposed entry of final judgment" filed on November 14, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Motion of Pacific Indemnity Company and Federal Insurance Company to seal hearing on attorneys fees and to seal transcript of hearing on attorneys fees" filed on December 28, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Hearing brief of defendants Pacific Indemnity Company and Federal Insurance Company" filed on December 28, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Transcript of Proceedings" of the hearing on January 3, 2007, filed with the Hamilton County Court of Common Pleas on March 30, 2007, shall remain under seal.
- "Order and judgment entry against Safeco Insurance Company of America" filed on January 17, 2007, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Brief of appellant Safeco Insurance Company of America" filed on May 15, 2007, in the Hamilton County Court of Appeals shall remain under seal.
- "Amended brief of appellant Safeco Insurance Company of America" filed on June 20, 2007, in the Hamilton County Court of Appeals shall remain under seal.
- "Answer brief of appellees Federal Insurance Company and Pacific Indemnity Company" filed on July 18, 2007, in the Hamilton County Court of Appeals shall remain under seal.
- "Reply brief of appellant Safeco Insurance Company of America" filed on August 16, 2007, in the Hamilton County Court of Appeals shall remain under seal.

It is further ordered that all pleadings filed in case Nos. 2008-0304 and 2008-0403 shall be unsealed, except as further provided:

- The settlement agreement contained in the appendix to the "Merit brief of appellant Safeco Insurance Company of America" filed on September 2, 2008, and located at appendix pages 66-68 shall remain under seal.

- The settlement agreement contained at pages 412-414 in the "Supplement for appeal (Volume 2 of 2)" filed on September 2, 2008, shall remain under seal.
- Footnote 14 on page 4 and the settlement agreement contained in the appendix to the "Merit brief of appellees Federal Insurance Company and Pacific Indemnity Company" filed on October 20, 2008, and located at appendix pages 13-15 shall remain under seal.

Pfeifer, O'Connor, and Lanzinger, JJ., dissent and would unseal all of the records.

**2008-0403. Safeco Ins. Co. of Am. v. Fed. Ins. Co.**

Hamilton App. No. C-070074, 2007-Ohio-7068. This cause is pending before the court on the certification of a conflict by the Court of Appeals for Hamilton County. On January 28, 2009, this court determined that the entire record need not be sealed to protect the confidentiality of the settlement agreement and ordered the parties to identify those portions of the record and pleadings that should remain sealed in order to maintain the confidentiality of the settlement agreement. On January 30, 2009, the parties filed a joint response to our January 28, 2009 order.

Upon consideration of the joint response and review of the record and pleadings filed in this case, it is ordered by the court, sua sponte, that the entire record and all pleadings in this case be unsealed, except as further indicated in this order.

It is ordered that all pleadings filed in this case while pending before the Hamilton County Court of Common Pleas and the Hamilton County Court of Appeals shall be unsealed except as further provided:

- "Motion by defendants Pacific Indemnity Company, Federal Insurance Company, Lance White, and Diane White for entry of final judgment against Safeco" filed on September 28, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Safeco Insurance Company of America's memorandum in opposition to motion of Lance and Diane White and Federal Insurance Company and Pacific Indemnity Company's motion for entry of final judgment and request for hearing" filed on October 6, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Reply in support of defendants' motion for entry of final judgment against Safeco" filed on October 13, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Notice of filing: 1) The revised and corrected affidavit of Mr. Pool; and 2) A revised and corrected proposed entry of final judgment" filed

on November 14, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.

- "Motion of Pacific Indemnity Company and Federal Insurance Company to seal hearing on attorneys fees and to seal transcript of hearing on attorneys fees" filed on December 28, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Hearing brief of defendants Pacific Indemnity Company and Federal Insurance Company" filed on December 28, 2006, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Transcript of Proceedings" of the hearing on January 3, 2007, filed with the Hamilton County Court of Common Pleas on March 30, 2007, shall remain under seal.
- "Order and judgment entry against Safeco Insurance Company of America" filed on January 17, 2007, in the Hamilton County Court of Common Pleas shall remain under seal.
- "Brief of appellant Safeco Insurance Company of America" filed on May 15, 2007, in the Hamilton County Court of Appeals shall remain under seal.
- "Amended brief of appellant Safeco Insurance Company of America" filed on June 20, 2007, in the Hamilton County Court of Appeals shall remain under seal.
- "Answer brief of appellees Federal Insurance Company and Pacific Indemnity Company" filed on July 18, 2007, in the Hamilton County Court of Appeals shall remain under seal.
- "Reply brief of appellant Safeco Insurance Company of America" filed on August 16, 2007, in the Hamilton County Court of Appeals shall remain under seal.

It is further ordered that all pleadings filed in Supreme Court Case Nos. 2008-0304 and 2008-0403 shall be unsealed, except as further provided:

- The settlement agreement contained in the appendix to the "Merit brief of appellant Safeco Insurance Company of America" filed on September 2, 2008, and located at appendix pages 66-68 shall remain under seal.
- The settlement agreement contained at pages 412-414 in the "Supplement for appeal (Volume 2 of 2)" filed on September 2, 2008, shall remain under seal.
- Footnote 14 on page 4 and the settlement agreement contained in the appendix to the "Merit brief of appellees Federal Insurance Company

and Pacific Indemnity Company" filed on October 20, 2008, and located at appendix pages 13-15 shall remain under seal.

Pfeifer, O'Connor, and Lanzinger, JJ., dissent and would unseal all of the records.